

**STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD**



CALIFORNIA STATE UNIVERSITY  
EMPLOYEES UNION,

Charging Party,

v.

TRUSTEES OF THE CALIFORNIA STATE  
UNIVERSITY (SACRAMENTO),

Respondent.

Case No. SA-CE-284-H

PERB Decision No. 2293-H

November 29, 2012

Appearances: Thomas Dimitre, Labor Representative, for California State University Employees Union; Jill C. Peterson, University Counsel, for Trustees of the California State University (Sacramento).

Before Martinez, Chair; Dowdin Calvillo and Huguenin, Members.

DECISION

HUGUENIN, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal by California State University Employees Union (CSUEU) from the PERB Office of the General Counsel's dismissal of its unfair practice charge. The charge alleged that the Trustees of the California State University (Sacramento) (CSU) violated the Higher Education Employer-Employee Relations Act (HEERA)<sup>1</sup> by interfering with Kim Harrington's exercise of rights guaranteed by HEERA. The charge alleged that this conduct violated HEERA section 3571(a) and (b). The Board agent determined that the charge failed to state a prima facie case and dismissed the charge. By letter dated October 16, 2012, served on CSU, CSUEU notified the Board that it wished to withdraw its appeal.

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<sup>1</sup> HEERA is codified at Government Code section 3560 et seq.

The Board has discretion to grant or deny requests to withdraw and dismiss cases pending before the Board itself. (PERB Reg. 32320(a)(2),<sup>2</sup> states in part: "The Board itself may take such other action as it considers proper."; *State of California (Department of Personnel Administration)* (2010) PERB Decision No. 2152-S; *Grossmont-Cuyamaca Community College District* (2009) PERB Order No. Ad-380; *Oakland Unified School District* (1988) PERB Order No. Ad-171; *ABC Unified School District* (1991) PERB Decision No. 831b.) Withdrawal of the appeal is in the best interests of the parties and consistent with the purposes of HEERA. Accordingly, the Board grants CSUEU's request to withdraw its appeal.

#### ORDER

The request by California State University Employees Union to withdraw its appeal in Case No. SA-CE-284-H is hereby GRANTED.

Chair Martinez and Member Dowdin Calvillo joined in this Decision.

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<sup>2</sup> PERB Regulations are codified at California Code of Regulations, title 8, section 31001 et seq.